

**WEDNESDAY, MARCH 5, 2003**  
**FOURTEENTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Minister Andre Dugger of Grace Baptist Church in Nashville, Tennessee, a guest of Senator Haynes.

**PLEDGE OF ALLEGIANCE**

Senator Walker led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 31

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

**COMMUNICATION**

March 4, 2003

Lt. Governor John S. Wilder  
Speaker of the State Senate  
1 Legislative Plaza  
Nashville, Tennessee 37243

Dear Lt. Governor Wilder:

I will not be in attendance for floor session on Wednesday, March 5, 2003 or Thursday, March 6, 2003. There is a National Conference of State Legislature meeting.

Sincerely,

/s/ Rosalind Kurita  
State Senator

APPROVED: Lieutenant Governor  
John S. Wilder

**STANDING COMMITTEE REPORTS**

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1736 with amendment.

COHEN, Chairperson  
March 3, 2003

The Speaker announced that he had referred Senate Bill No. 1736 with amendment to Committee on Calendar.

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Joint Resolutions Nos. 60 and 82.

HENRY, Chairperson  
March 4, 2003

The Speaker announced that he had referred Senate Joint Resolutions Nos. 60 and 82 to Committee on Calendar.

**COMMERCE, LABOR AND AGRICULTURE**

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 53, 383, 495 with amendment, 957 and 1067.

COOPER, Chairperson  
March 4, 2003

The Speaker announced that he had referred Senate Bills Nos. 53, 383, 495 with amendment, 957 and 1067 to Committee on Calendar.

**JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 374, 476, 479 and 601.

PERSON, Chairperson  
March 4, 2003

The Speaker announced that he had referred Senate Bills Nos. 374, 476, 479 and 601 to Committee on Calendar.

**EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 185 with amendment and 326.

McNALLY, Chairperson  
March 5, 2003

The Speaker announced that he had referred Senate Bills Nos. 185 with amendment and 326 to Committee on Calendar.

**GENERAL WELFARE, HEALTH AND HUMAN RESOURCES**

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 47 with amendment, 508, 688 and 764 with amendment; also, recommend that Senate Bill No. 263 be referred to Committee on Finance, Ways and Means.

FORD, Chairperson  
March 5, 2003

The Speaker announced that he had referred Senate Bills Nos. 47 with amendment, 508, 688 and 764 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 263 to Committee on Finance, Ways and Means.

**TRANSPORTATION**

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 305, 393, 514, 708 with amendment, 842, 973, 983, 1059, 1064, 1127, 1190, 1399 and 1400; and Senate Joint Resolution No. 104; also, recommend that Senate Bill No. 978 be referred to Committee on Finance, Ways and Means.

WILLIAMS, Chairperson  
March 5, 2003

The Speaker announced that he had referred Senate Bills Nos. 305, 393, 514, 708 with amendment, 842, 973, 983, 1059, 1064, 1127, 1190, 1399 and 1400; and Senate Joint Resolution No. 104 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 978 to Committee on Finance, Ways and Means.

**ENVIRONMENT, CONSERVATION AND TOURISM**

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 202; also, recommend that Senate Bill No. 201 be referred to Committee on Finance, Ways and Means.

MILLER, Chairperson  
March 5, 2003

The Speaker announced that he had referred Senate Bill No. 202 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 201 to Committee on Finance, Ways and Means.

### **INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 1984** by Senator Trail.

Rutherford County -- Subject to local approval, creates human resources department.

**Senate Bill No. 1985** by Mr. Speaker Wilder.

Hardeman County -- Subject to local approval, deletes "county judge" and "county executive" references to title of chief executive officer of county from charter and renames position "county mayor". Amends Chapter 482 of the Private Acts of 1919; as amended.

**Senate Bill No. 1986** by Mr. Speaker Wilder.

Hardeman County -- Subject to local approval, removes requirement of purchase order and requisition for expenditures of less than \$300. Amends Chapter 68 of the Private Acts of 1937; as amended.

**Senate Bill No. 1987** by Senator Burks.

Courts, General Sessions -- Provides that if county moves into higher population classification based upon subsequent census, salary of general sessions judge of county shall be determined by salary of higher classification for remainder of term but shall be no less than present salary. Amends TCA Section 16-15-5001(d)(2).

### **HOUSE BILL ON FIRST CONSIDERATION**

The Speaker announced that the following House Bill was transmitted to the Senate and passed first consideration:

**House Bill No. 1207** -- Maury County -- Subject to local approval, revises membership of

budget committee from five members to not more than six members, with membership to be determined by resolution of county commission. Amends Chapter 233 of the Private Acts of 1963.

### **INTRODUCTION OF RESOLUTIONS**

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 129** by Senator Norris.

Memorials, Death -- Florence Thomas Mosley.

**Senate Joint Resolution No. 130** by Senators Dixon, Atchley, Beavers, Bryson, Burchett,

Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder.

Memorials, Public Service -- Dr. George Washington Carver.

**Senate Joint Resolution No. 131** by Senator Kurita.

Memorials, Recognition -- Alzheimer's Association's Safe Return Program.

**Senate Resolution No. 19** by Mr. Speaker Wilder.

Memorials, Public Service -- West Tennessee Polled Hereford Association, 50th anniversary.

**RESOLUTIONS LYING OVER**

**House Joint Resolution No. 113** -- Memorials, Death -- Shaffin Crawford.

The Speaker announced that he had referred House Joint Resolution No. 113 to Committee on Calendar.

**Senate Joint Resolution No. 128** -- Memorials, Recognition -- William E. Farmer.

The Speaker announced that he had referred Senate Joint Resolution No. 128 to Committee on Calendar.

**RECALL OF BILL**

On motion of Senator Henry, **Senate Bill No. 695** was recalled from the Committee on Environment, Conservation and Tourism.

**WITHDRAWAL OF BILL**

On motion of Senator Henry, Senate Bill No. 695 was withdrawn from the Senate.

**CONSENT CALENDAR**

**House Joint Resolution No. 107** -- Memorials, Personal Achievement -- Russell Brown, Eagle Scout.

**House Joint Resolution No. 109** -- Memorials, Professional Achievement -- Mr. and Mrs. Carl Gardner, Maury Alliance - Century Farm of the Year Award.

Senator Crowe moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**LOCAL BILL**  
**CONSENT CALENDAR**

**Senate Bill No. 197** -- Bluff City -- Subject to local approval, revises terms of office for mayor and aldermen. Amends Chapter 24 of the Private Acts of 1997.

On motion, Senate Bill No. 197 was made to conform with **House Bill No. 460**.

On motion, House Bill No. 460, on same subject, was substituted for Senate Bill No. 197.

**Senate Bill No. 293** -- Milan -- Subject to local approval, changes date of election for municipal court clerk from regular August election to regular November election. Amends Chapter 7 of the Private Acts of 1999.

On motion, Senate Bill No. 293 was made to conform with **House Bill No. 489**.

On motion, House Bill No. 489, on same subject, was substituted for Senate Bill No. 293.

**Senate Bill No. 296** -- Lynnville -- Subject to local approval, revises terms of office and qualifications for mayor and aldermen. Amends Chapter 289 of the Private Acts of 1965; as amended.

On motion, Senate Bill No. 296 was made to conform with **House Bill No. 473**.

On motion, House Bill No. 473, on same subject, was substituted for Senate Bill No. 296.

**Senate Bill No. 297** -- Auburntown -- Subject to local approval, increases terms of office for mayor and aldermen from two to four years beginning with November 2004 election. Amends Chapter 65 of the Private Acts of 1949.

On motion, Senate Bill No. 297 was made to conform with **House Bill No. 458**.

On motion, House Bill No. 458, on same subject, was substituted for Senate Bill No. 297.

**Senate Bill No. 306** -- Marshall County -- Subject to local approval, revises hotel/motel tax to designate trustee as collection agent instead of county clerk. Amends Chapter 30 of the Private Acts of 1993.

On motion, Senate Bill No. 306 was made to conform with **House Bill No. 471**.

On motion, House Bill No. 471, on same subject, was substituted for Senate Bill No. 306.

**Senate Bill No. 561** -- Harriman -- Subject to local approval, authorizes non-resident landowners to vote in city elections. Amends Chapter 165 of the Private Acts of 1917.

On motion, Senate Bill No. 561 was made to conform with **House Bill No. 423**.

On motion, House Bill No. 423, on same subject, was substituted for Senate Bill No. 561.

## WEDNESDAY, MARCH 5, 2003 -- 14TH LEGISLATIVE DAY

**Senate Bill No. 584** -- Jefferson City -- Subject to local approval, requires bids for expenditures of \$10,000 or more instead of \$5,000 or more. Amends Chapter 11 of the Private Acts of 1979.

On motion, Senate Bill No. 584 was made to conform with **House Bill No. 463**.

On motion, House Bill No. 463, on same subject, was substituted for Senate Bill No. 584.

**Senate Bill No. 585** -- Jefferson City -- Subject to local approval, changes general city election from May to November. Amends Chapter 11 of the Private Acts of 1979; as amended.

On motion, Senate Bill No. 585 was made to conform with **House Bill No. 464**.

On motion, House Bill No. 464, on same subject, was substituted for Senate Bill No. 585.

**Senate Bill No. 1723** -- Westmoreland -- Subject to local approval, changes town election from December to November. Amends Chapter 306 of the Private Acts of 1951; as amended.

On motion, Senate Bill No. 1723 was made to conform with **House Bill No. 528**.

On motion, House Bill No. 528, on same subject, was substituted for Senate Bill No. 1723.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

### CALENDAR

Senator Crowe moved that **Senate Bill No. 187** be placed on the calendar for Thursday, March 6, 2003, which motion prevailed.

### MOTION

Senator McNally moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 116**, out of order, which motion prevailed.

### RESOLUTION LYING OVER

**House Joint Resolution No. 116** -- Memorials, Public Service -- Oak Ridge National Laboratory.

On motion of Senator McNally, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 116** was concurred in by the following vote:

Ayes . . . . . 31

Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**AD HOC COMMITTEE APPOINTMENTS**  
**ON TORT REFORM**

Mr. Speaker Wilder announced the appointments to the Ad Hoc Committee on Tort Reform:

Senators Fowler, Chairperson; Dixon, Graves, Haynes, Jackson, Miller, Norris, Trail and Williams.

**MOTION**

On motion of Senator Cooper, his name was added as sponsor of **Senate Bills Nos. 702 and 710**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Joint Resolution No. 116**.

On motion of Senators Walker, Atchley, Burchett, Clabough, Ramsey, Henry, Miller and Mr. Speaker Wilder, their names were added as sponsors of **House Joint Resolution No. 116**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 326, 694 and 1750**.

On motion of Senator Crutchfield, his name was added as sponsor of **House Joint Resolution No. 107**.

**RECALL OF BILL**

On motion of Senator Burks, **Senate Bill No. 494** was recalled from the Committee on Judiciary.

**WITHDRAWAL OF BILL**

On motion of Senator Burks, Senate Bill No. 494 was withdrawn from the Senate.



**MESSAGE FROM THE HOUSE**

March 5, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 271, 272 and 422; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 5, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 112, 113, 114, 115, 119, 120, 122, 123, 124, 125 and 126; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 5, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 114, 115, 116, 117, 118, 119, 120 and 122; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

March 5, 2003

The Speaker announced that he had signed the following: Senate Bills Nos. 55, 87 and 325.

**MESSAGE FROM THE GOVERNOR**

March 5, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 111, with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 6, 2003: House Joint Resolution No. 113; Senate Joint Resolutions Nos. 129 and 130; and Senate Resolution No. 19.

This the 4th day of March, 2003.  
CROWE, Chairperson.

**WEDNESDAY, MARCH 5, 2003 -- 14TH LEGISLATIVE DAY**

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 6, 2003: Senate Joint Resolutions Nos. 60 and 82; and Senate Bills Nos. 341 and 1736.

This the 4th day of March, 2003.  
CROWE, Chairperson.

**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, March 6, 2003, which motion prevailed.